

FINDING AND RECOMMENDATION(S)

Submitted by: Richard E. Adams, California State Parks Forester

Finding: Regulatory Environment

There are numerous conflicting land management and environmental laws and regulations that impede the ability to plan and implement forest fuels reduction projects in the Lake Tahoe Basin.

Background and Supporting Evidence:

Public land management agencies are well regulated by Federal and State laws including the National Environmental Policy Act, the California Environmental Quality Act, and other environmental laws protecting water, soil, air, wildlife, cultural resources and vegetation. But the additional regulatory requirements placed on forestry projects in the Lake Tahoe Basin under the Tahoe Regional Planning Agency and the Lahontan Regional Water Quality Control Board are unnecessarily cumbersome, time consuming, expensive, and effectively shut down forest restoration projects that could more easily be implemented outside the Lake Tahoe Basin.

Recommendation(s)

1. Allow Public Agencies to implement fuels reduction projects under CEQA, NEPA, State Forest Practice Rules, or otherwise appropriate environmental permit(s) without filing a TRPA or Lahontan permit.
2. Streamline permitting of heavy equipment for forest restoration in Stream Environment Zone (SEZ) through the TRPA Qualified Exempt Activity process and the Lahontan Waiver process, and following the standard Watercourse and Lake Protection Zone (WLPZ) stream buffers regulated by the California Forest Practice Rules.
3. Permit all fuels reduction projects requiring a TRPA permit through the TRPA Qualified Exempt Activity process.
4. Allow hand work for forest restoration and fuels reduction without heavy equipment on upland forest not in SEZ without filing a Lahontan Waiver.

5. Allow winter operations with heavy equipment for fuels reduction over snow or over frozen ground and not in SEZ through the Lahontan Waiver Category 1b or 1c Eligibility Criteria.
6. Raise the minimum diameter limit of live trees requiring a TRPA Tree Removal Permit from 6 inches diameter at breast height (DBH) to 14 inches DBH on all properties throughout the Lake Tahoe Basin.
7. Add to the TRPA Reasons for Tree Removal Ordinance the encroachment of a tree on a facility including driveways.

Impacts of Implementation: *(The implementation of any Recommendation is likely to have specific impacts. Consider potential consequences related to each of the following areas):*

Analysis of impacts on the following factors is REQUIRED (Best Estimate):

- ☐ Cost The costs of implementing fuels reduction projects will decrease resulting in improved efficiency, increased production and better protection of values at risk to catastrophic wildfire.
- ☐ Funding source No impact on funding source.
- ☐ Staffing Efficiency of staffing will be improved.
- ☐ Existing regulations and/or laws TRPA and Lahontan WQCB regulations will be modified to streamline permitting of forest fuels reduction projects.

Analysis of impacts on the following factors is OPTIONAL:

- ☐ Operational Operational constraints will be decreased and efficiency will be improved.
- ☐ Social Public perception of regulatory support for fuels reduction will be improved. Public education should be addressed in a separate Finding.
- ☐ Political
- ☐ Policy
- ☐ Health and Safety Health and Safety will be better protected.
- ☐ Environmental Risk of catastrophic wildfire will be decreased and environmental values will remain protected by State and Federal laws.
- ☐ Interagency